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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,963	07/21/2003	Ioana M. Rizoio	BI9068CON	6266

7590 12/22/2006
Stout, Uxa, Buyan & Mullins, LLP
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EXAMINER

LEWIS, RALPH A

ART UNIT	PAPER NUMBER
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3732

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/22/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/624,963

Applicant(s)

RIZOIU ET AL.

Examiner

Ralph A. Lewis

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) See Continuation Sheet is/are allowed.
- 6) ☒ Claim(s) 112, 120, 122, 123, 126, 128, 137, 149, 165, 169, 213, 271, 272, 275, 290, 302, 305 and 306 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 14 august 2006.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 105-112, 114, 116-120, 122-126, 128-133, 135-137, 141-143, 145, 149-157, 159-169, 171, 175, 178-186, 191-194, 199-202, 207-210, 212-241, 243-249, 251-275, 277-284, 289, 290, 293-299, 301, 302, 304-306, and 309.

Continuation of Disposition of Claims: Claims allowed are 105-111, 114, 116-119, 124, 125, 129-133, 135, 136, 141-143, 145, 150-157, 159-164, 166-168, 171, 175, 178-186, 191-194, 199-202, 207-210, 212, 214-241, 243-249, 251-270, 273, 274, 277-284, 289, 293-299, 301, 304, 308 and 309.

Rejections based on 35 U.S.C. 112, second paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 112, 120, 122, 123, 126, 128, 137, 149, 165, 169, 213, 271, 272, 275, 290, 302, 305 and 306 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 112 and 120, merely repeat limitations already found in parent claim 106.

In claims 122 and 123, there is no antecedent basis for "the whitening compound."

Claim 126, repeats limitations found in parent claim 212.

In claims 128, 290 and 306, the limitation that "polychromatic electromagnetic radiation is monochromatic electromagnetic radiation" is confusing and contradictory. The color white is not blue.

Claim 137 merely repeats limitations already found in parent claim 107.

Claims 149 and 213 have the same limitations.

Claim 165 merely repeats limitations found in parent claim 261.

Claims 271 and 275 are identical.

Claim 302 merely repeats the limitations already found in parent claim 105.

Claim 305 merely repeats limitations found in parent claim 105 and earlier claim

302.

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Allowable Subject Matter

Claims 105-111, 114, 116-119, 124, 125, 129-133, 135, 136, 141-143, 145, 150-157, 159-164, 166-168, 171, 175, 178-186, 191-194, 199-202, 207-210, 214-241, 243-249, 251-270, 273, 274, 277-284, 289, 293-299, 301, 304, 308 and 309 are allowed.


Prior Art

Applicant's information disclosure statement of March 23, 2003 has been considered and an initialed copy enclosed herewith.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication should be directed to **Ralph Lewis** at telephone number **(571) 272-4712**. Fax (571) 273-8300. The examiner works a compressed work schedule and is unavailable every other Friday. The examiner's supervisor, Cris Rodriguez, can be reached at (571) 272-4964.

R. Lewis
October 30, 2006


R LEWIS
AU 3732
PRIMARY EXAMINER